



IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF SOUTH CAROLINA  
ANDERSON/GREENWOOD DIVISION

HAZEL STOUDEMIRE,  
Petitioner,

vs.

A.J. PADULA, Warden of Lee Correctional  
Institution,  
Respondent.

§  
§  
§  
§  
§  
§  
§  
§

CIVIL ACTION NO. 8:07-3272-HFF-BHH

---

---

AMENDED ORDER

---

---

This case was filed as a 28 U.S.C. § 2254 action. Petitioner is proceeding pro se. The matter is before the Court for review of the Report and Recommendation (Report) of the United States Magistrate Judge suggesting that Respondent's motion for summary judgment be granted [Doc. 15] and Petitioner's motion for summary judgment should be denied [Doc. 8]. The Report was made in accordance with 28 U.S.C. § 636 and Local Civil Rule 73.02 for the District of South Carolina.

The Magistrate Judge makes only a recommendation to this Court. The recommendation has no presumptive weight. The responsibility to make a final determination remains with the Court. *Mathews v. Weber*, 423 U.S. 261, 270 (1976). The Court is charged with making a de novo determination of those portions of the Report to which specific objection is made, and the Court may accept, reject, or modify, in whole or in part, the recommendation of the Magistrate Judge or recommit the matter with instructions. 28 U.S.C. § 636(b)(1).

The Magistrate Judge filed the Report on July 11, 2008, and the Clerk of Court entered Petitioner's objections to the Report on July 29, 2008. The Court has exhaustively reviewed Petitioner's twenty-three page submission, but finds the arguments contained therein to be without merit. Therefore, for the reasons set forth in the Magistrate Judge's comprehensive and well-reasoned Report,\* the Court will grant Respondent's motion for summary judgment and deny Petitioner's motion for summary judgment.

After a thorough review of the Report and the record in this case pursuant to the standard set forth above, the Court overrules Petitioner's objections, adopts the Report to the extent that it does not contradict this Order, and incorporates it herein. Therefore, it is the judgment of this Court that Respondent's motion for summary judgment be **GRANTED** [Doc. 15] and Petitioner's motion for summary judgment be **DENIED** [Doc. 8].

**IT IS SO ORDERED.**

Signed this 31st day of July, 2008, in Spartanburg, South Carolina.

s/ Henry F. Floyd  
HENRY F. FLOYD  
UNITED STATES DISTRICT JUDGE

\*\*\*\*\*

### **NOTICE OF RIGHT TO APPEAL**

The parties are hereby notified of the right to appeal this Order within thirty (30) days from the date hereof, pursuant to Rules 3 and 4 of the Federal Rules of Appellate Procedure.

---

\*Because of a scrivener's error, the Report occasionally refers to Petitioner as "the Plaintiff" instead. In all instances in which "the plaintiff" appears, the reader should substitute the word "Petitioner."